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Attorneys for Movant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

JOSE MORENO, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

POLARITYTE, INC., DENVER LOUGH,
AND JEFF DYER,

Defendants.

Case No.: 2:18-cv-00510-JNP-PMW

**NOTICE OF NON-OPPOSITION BY
MICHAEL A. MOTTO TO COMPETING
MOTION FOR APPOINTMENT AS
LEAD PLAINTIFF AND APPROVAL OF
COUNSEL**

On August 27, 2018, pursuant to Section 21(D)(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. §78u-4(a)(3)(B), Michael Motto (“Movant”) timely filed a motion for appointment as lead plaintiff, and approval of his selection of counsel in connection with the above-captioned securities fraud class action. One similar motion was filed by another putative class member in this action.

The PSLRA provides a presumption that the “most adequate plaintiff” to represent the interests of class members is the person or group that, among other things, has “the largest financial interest in the relief sought by the class.” §15 U.S.C. 78u-4(a)(3)(B)(iii)(I). Having

reviewed the competing motion and supporting papers provided by the other movant seeking appointment as lead plaintiff, it appears that Movant does not possess the “largest financial interest in the relief sought by the class” as required by the PSLRA.

However, were the Court to determine that the other lead plaintiff movant with losses larger than Movant’s are incapable or inadequate to represent the class in this litigation, Movant remains willing and able to serve as lead plaintiff or as class representatives. By this Notice of Non-Opposition, Movant does not waive his rights to participate and recover as class members in this litigation.

DATED: September 7, 2018

CHRISTENSEN & JENSEN

s/ Sarah E. Spencer _____

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